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Statement No. 1191

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(*Environmental Protection Act 1986*)

BUNBURY OUTER RING ROAD SOUTHERN SECTION

Proposal: The proposal is for the construction and operation of 10.5 kilometres of the Bunbury Outer Ring Road Southern Section, located about 200 km south of Perth. The 200 hectare development envelope occurs mainly within the Shire of Capel (including the localities of Gelorup, North Boyanup and Statham), and a small component within the City of Bunbury.

Proponent: Commissioner for Main Roads Western Australia
Australian Business Number 50 860 676 021

Proponent Address: Waterloo Crescent
EAST PERTH WA 6004

Assessment Number: 2225

Report of the Environmental Protection Authority: 1714

Pursuant to section 45 of the *Environmental Protection Act 1986* (EP Act), it has been agreed that the proposal described in section 2 of the proponent's Updated Referral Information (Revision 2, October 2020), and subsequently amended by the change to the proposal approved under section 43A of the EP Act on 1 September 2021 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

1 Limitations and extent of proposal

When implementing the proposal, the proponent shall ensure the proposal does not exceed the following extents:

Proposal element	Location	Maximum extent or range
<i>Physical elements</i>		
Freeway standard dual carriageway, grade separated interchanges and vehicle bridges, regional distributor roads, local road modifications, drainage structures, and other infrastructure, including but not limited to, noise walls, screen walls, fauna-crossings and land-bridges, possum rope-bridges, pedestrian underpass/overpass, principle shared path, lighting, fencing, signage and safety barriers.	Located within the development envelope as shown in Figure 1	Clearing and disturbance of no more than 71.5 ha of native vegetation within a 200 ha development envelope.

2 Inland Waters

2-1 The proponent shall implement the proposal to achieve the following environmental **outcomes**:

- (1) clear no more than:
 - (a) 0.2 ha of **Conservation Category Wetlands**; and
 - (b) 1.4 ha of **Resource Enhancement Wetlands**.
- (2) no project attributable impacts to the hydrological regime and water quality of the following values when compared to preconstruction baseline conditions:
 - (a) Five Mile Brook (incorporating **Multiple Use Wetland** UFI-1163 and **Conservation Category Wetland** UFI-931);
 - (b) **Conservation Category Wetland** (UFI-14478);
 - (c) **Resource Enhancement Wetlands** (UFI-1117 and UFI-15493) and;
 - (d) black-stripe minnow (*Galaxiella nigrostriata*) habitats defined and mapped in the proponent's Action Management Plan Conservation Significant Fauna (Revision 2 August 2021) that are within or adjoins the **development envelope**, except for the black-stripe minnow habitats permitted to be cleared in condition 4-1(1)(e).

- 2-2 Prior to ground-disturbing activities, the proponent shall undertake monitoring of the hydrological regimes of the values listed in condition 2-1(2) and submit a report to the CEO about the preconstruction baseline conditions and predicted post-development hydrological regime.
- 2-3 The proponent shall continue to undertake monitoring of hydrological regime and water quality during and post-construction until the CEO is satisfied that the proponent has demonstrated the **outcomes** in condition 2-1(2) have been met.
- 2-4 The proponent shall annually submit an Environmental Performance Report as part of the Compliance Assessment Report required by condition 12-6, that shall:
- (1) outline the monitoring that was undertaken during the implementation of the proposal;
 - (2) outline the results of the monitoring undertaken to report whether that the environmental **outcomes** specified in condition 2-1(2) were achieved;
 - (3) report whether that the **outcomes** in condition 2-1(2) were achieved; and
 - (4) outline any management actions undertaken during the implementation of the proposal to meet the **outcomes** in condition 2-1(2).
- 2-5 The proponent shall not construct bridge footings, drainage structures and abutments within the Five Mile Brook.

3 Flora and Vegetation

- 3-1 The proponent shall implement the proposal to achieve the following environmental **outcomes**:
- (1) clear no more than:
 - (a) 23.4 ha of vegetation representative of the Banksia Woodlands of the Swan Coastal Plain Priority Ecological Community (PEC) (Banksia Woodlands);
 - (b) 4.4 ha of vegetation representative of the Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain PEC (Tuart Woodlands); and
 - (c) 4.5 ha of vegetation representative of the Southern Swan Coastal Plain *Eucalyptus gomphocephala* – *Agonis flexuosa* Woodlands PEC (Tuart-Peppermint Woodlands), overlapping the Tuart Woodlands PEC.
 - (2) ensure there are no project attributable **indirect impacts**, when compared to preconstruction baseline conditions, to Banksia Woodlands, Tuart Woodlands and Tuart-Peppermint Woodlands within twenty (20)

metres outside the **development envelope** (defined in Figure 2a and Figure 2b) and within the **clearing exclusion areas** (defined in Figure 1).

- 3-2 Prior to **ground-disturbing activities**, the proponent shall undertake monitoring of the values listed in condition 3-1(2) and submit a report about the preconstruction baseline conditions to the CEO.
- 3-3 The proponent shall continue to undertake monitoring during and post-construction until the CEO is satisfied that the proponent has demonstrated the **outcomes** in condition 3-1(2) has been met.
- 3-4 The proponent shall annually submit an Environmental Performance Report as part of the Compliance Assessment Report required by condition 12-6, that shall:
 - (1) outline the monitoring that was undertaken during the implementation of the proposal;
 - (2) outline the results of the monitoring undertaken to report whether that the environmental **outcomes** specified in condition 3-1(2) were achieved;
 - (3) report whether that the **outcomes** in conditions 3-1(1) and 3-1(2) were achieved; and
 - (4) outline any management actions undertaken during the implementation of the proposal to meet the **outcomes** in conditions 3-1(1) and 3-1(2).
- 3-5 The proponent shall undertake the following actions within the development envelope during construction and for five (5) years post-construction:
 - (1) implement hygiene protocols consistent with the *Management of Phytophthora cinnamomi for Biodiversity Conservation in Australia, Part 2 National Best Practice Guidelines* as amended or replaced from time to time; and
 - (2) undertake weed control and management to prevent the introduction or spread of **environmental weeds**.

4 Terrestrial Fauna (Construction)

- 4-1 The proponent shall implement the proposal to achieve the following environmental **outcomes**:
 - (1) clear no more than:
 - (a) 60.9 ha of habitat for western ringtail possum;
 - (b) 60.9 ha of **black cockatoo** foraging and breeding habitat;
 - (c) 1088 **black cockatoo potential nesting trees**, and 11 **trees with suitable hollows**;

- (d) 39.2 ha of habitat for south-western brush-tailed phascogale; and
- (e) 5.5 ha of habitat for black-stripe minnow.

4-2 Prior to **ground-disturbing activities** the proponent shall undertake the following actions:

- (1) within seven (7) days prior to clearing, using a qualified and licensed terrestrial **fauna spotter** with experience in surveying for **black cockatoos**, inspect all **potential nesting trees** hollows within the **development envelope** to determine if any hollows are being used for nesting by **black cockatoos**;
- (2) if any hollows are in use by **black cockatoos**, the proponent shall not **disturb** or clear the nesting tree, or vegetation within a ten (10) metre radius of the nesting tree, until after the cockatoos have naturally completed nesting (young have fledged and dispersed) and an appropriately qualified terrestrial **fauna spotter** has verified that the hollow(s) are no longer being used by **black cockatoos**; and
- (3) within seven (7) days prior to clearing (or if staged, prior to each stage) implement **pre-clearance protocols** to minimise impacts to terrestrial fauna.

4-3 During the construction of the proposal the proponent shall:

- (1) ensure the presence of appropriately qualified **fauna spotters** during clearing activities;
- (2) not clear or cause any project attributable **indirect impacts** to the **clearing exclusion areas** as defined in Figure 1; and
- (3) ensure foraging species for **black cockatoos** are not planted within ten (10) metres of the road.

4-4 The proponent must install one artificial black cockatoo nesting hollow for each suitable hollow that cannot be avoided in the 11 trees with suitable hollows identified in condition 4-1(1)(c).

4-5 Each artificial black cockatoo nesting hollow required by condition 4-4 must be installed prior to commencement of the next black cockatoo breeding season following clearing.

4-6 The artificial black cockatoo nest hollow(s) required by condition 4-4 of must:

- (1) be installed at the locations identified by **DBCA** within property locations as set out and described in Table 1 of condition 9-2.

- (2) be designed and placed in accordance with the specifications details in *How to design and place artificial hollows for Carnaby's cockatoo* (DPAW Fauna Notes 2015), or any subsequent DBCA revision of this guideline; and
 - (3) be monitored and maintained in accordance with the specifications detailed in *How to monitor and maintain artificial hollows for Carnaby's cockatoo* (DPAW Fauna Notes 2015), or any subsequent DBCA revision of this guideline, for a period of at least ten (10) years.
- 4-7 The proponent shall annually submit an Environmental Performance Report as part of the Compliance Assessment Report required by condition 12-6, for a period of at least ten (10) years, that shall:
- (1) outline the monitoring and maintenance that was undertaken in accordance with the specifications detailed in *How to monitor and maintain artificial hollows for Carnaby's cockatoo* (DPAW Fauna Notes 2015), or any subsequent DBCA revision of this guideline; and
 - (2) outline the results of the monitoring and maintenance undertaken.

5 Construction Fauna Management Plan

- 5-1 The proponent shall implement the proposal to achieve the following environmental **objective**:
- (1) during construction, minimise and manage project attributable adverse impacts to conservation significant terrestrial fauna including western ringtail possum and south-western brush-tailed phascogale.
- 5-2 The proponent shall prepare a Construction Fauna Management Plan and submit to the CEO prior to **ground-disturbing activities**. This Plan shall:
- (1) specify the **passive relocation management actions** to be implemented prior to and during clearing;
 - (2) define the **low-risk clearing timeframe for western ringtail possum** applicable to **Category 1 Clearing Areas** and append supplementary survey evidence to justify the chosen timeframe;
 - (3) specify monitoring that:
 - (a) includes a baseline survey to be undertaken within thirty (30) days prior to clearing (or if staged, prior to each clearing stage) to confirm presence/absence and number of western ringtail possum and south-western brush-tailed phascogale individuals within the **development envelope** and at **receival sites**. The baseline survey shall be prepared and undertaken on advice of **DBCA**

during the preparation of the Construction Fauna Management Plan;

- (b) records whether **threatened or priority fauna** is encountered during clearing, and reports to the CEO and **DBCA** within thirty (30) days after clearing (or each clearing stage) on the number of individuals relocated in accordance with any requirements of the lawful authority obtained under the *Biodiversity Conservation Act 2016*;
 - (c) evaluates the suitability, adequacy and effectiveness of **passive relocation management actions** at reducing impacts to western ringtail possum individuals displaced by clearing from **Category 1 Clearing Areas** defined in Figure 3;
 - (d) evaluates impacts to residential western ringtail possum individuals at **receival sites**; and
 - (e) uses monitoring methods including, but not limited to, radio telemetry with robust sample sizes (the minimum number of tagged animals to be determined in consultation with **DBCA**).
- (4) identify and spatially define the study area(s) and reference sites proposed for monitoring and evaluation and provide rationale for the location of the sites;
 - (5) specify **management actions**; **management targets**; monitoring locations, methodologies, indicators and timing; and actions and investigations in the event of a failure to meet a **management target** to demonstrate that the **objective** in condition 5-1 will be met; and
 - (6) be prepared in consultation with the **DBCA** and in accordance with any requirements of a lawful authority obtained under the *Biodiversity Conservation Act 2016*.

5-3 The proponent shall annually submit an Environmental Performance Report as part of the Compliance Assessment Report required by condition 12-6, that shall:

- (1) outline the monitoring that was undertaken during the implementation of the Construction Fauna Management Plan required in condition 5-2;
- (2) outline the results of the monitoring undertaken to report whether that the environmental **objective** specified in condition 5-1(1) was achieved;
- (3) report whether that the **objective** in condition 5-1(1) was achieved; and

- (4) outline any management actions undertaken during the implementation of the Construction Fauna Management Plan required in condition 5-2 to meet the **objective** in condition 5-1(1).
- 5-4 The proponent shall not commence **ground-disturbing activities** until the CEO has confirmed in writing that the Construction Fauna Management Plan satisfies the requirements of condition 5-2.
- 5-5 The proponent shall implement the latest revision of the Construction Fauna Management Plan approved by the CEO.
- 5-6 The proponent:
 - (1) may review and submit proposed amendments to the Construction Fauna Management Plan; or
 - (2) shall review and submit proposed amendments to the Construction Fauna Management Plan when directed by the CEO.
- 5-7 The proponent shall continue to implement the Construction Fauna Management Plan as approved by the CEO in writing, until the CEO has confirmed by written notice that the proponent has demonstrated that the requirements of the Construction Fauna Management Plan have been achieved.

6 Habitat Fragmentation Management Plan

- 6-1 The proponent shall ensure the implementation of the proposal achieves the following environmental **objectives**:
 - (1) minimise the impacts of habitat fragmentation that are attributable to the proposal on western ringtail possum; and
 - (2) minimise the impacts from predation that are exacerbated by the proposal on western ringtail possum.
- 6-2 The proponent shall ensure the implementation of the proposal achieves the following environmental **outcome**:
 - (1) abundance and persistence of the western ringtail possum in the **receival sites** returns to pre-disturbance levels within a maximum of fifteen (15) years from the commencement of construction.
- 6-3 The proponent shall prepare a Habitat Fragmentation Management Plan and submit to the CEO prior to **ground-disturbing activities**. This Plan shall:
 - (1) when implemented, substantiate and ensure that conditions 6-1 and 6-2 are being met;

Fauna crossings, land-bridges and fragmentation

- (2) specify the locations, dimensions and designs of **fauna crossings** to reconnect terrestrial fauna habitats, including tree-canopy connections to **fauna crossings** for western ringtail possum (and brush-tailed phascogale);
- (3) specify the locations and designs of a minimum of two (2) **fauna land bridges**, which are to be:
 - (a) a minimum width of five (5) metres at the Yalinda Drive traffic bridge; and
 - (b) between five (5) and ten (10) metres at the dedicated fauna land bridge east of Yalinda Drive (to be determined in consultation with **DBCA**).
- (4) specify the revegetation and maintenance requirements of the **fauna land bridges** to maximise utilisation by western ringtail possums and ensure revegetation is **self-sustaining** or otherwise managed to ensure its ongoing survival;
- (5) specify monitoring methodologies to evaluate the effectiveness and utilisation of **fauna crossings** and **fauna land bridges** by western ringtail possum against the **objectives** in condition 6-1 which must include, but not be limited to, monitoring of DNA scat analysis and camera-monitoring;
- (6) specify monitoring methodologies to evaluate the project attributable effects of fragmentation on the **demographics** and genetics of the local western ringtail possum population and the effectiveness of minimisation measures to demonstrate whether the **objective** in condition 6-1(1) and outcome in condition 6-2 will be met;

Predator control

- (7) specify actions to undertake targeted predator control to reduce predation impacts to conservation significant fauna, to be implemented:
 - (a) one (1) month prior to clearing;
 - (b) during construction of the proposal; and
 - (c) at entrances/exits to **fauna crossings** and **fauna land bridges** for a minimum of five (5) years post-construction, subject to the five (5) yearly review required by condition 6-3(12);

Abundance and persistence of western ringtail possum

- (8) specify monitoring methodologies to evaluate the abundance and persistence of the western ringtail possum at the **receival sites** to demonstrate whether the **outcome** in condition 6-2 will be met;

Protection and enhancement of adjacent habitat

- (9) demonstrate how the habitat within the **clearing exclusion areas** (excluding the 'Grey Giant' Heritage Place No. 26059 site) and **vegetation retention areas** (defined in Figure 4) in Gelorup will be maximised for benefits to western ringtail possums and, where relevant, include provisions to establish revegetation of degraded areas;
- (10) include provisions to monitor revegetation required by condition 6-3(9), and undertake maintenance and remedial measures as required to demonstrate it is **self-sustaining** and habitat is maximised for benefits to western ringtail possums;
- (11) outline the long-term management and protection mechanism of the **clearing exclusion areas** and the **vegetation retention areas** as defined in Figure 4;

General plan provisions

- (12) be implemented for a minimum of fifteen (15) years post-construction, or otherwise agreed to by the CEO and on advice of **DBCA** following review of effectiveness every five (5) years;
 - (13) specify **management actions**; **management targets**; monitoring locations, methodologies, indicators and timing; and **contingency actions** and investigations in the event of a failure to meet a **management target** to demonstrate that the **objectives** in condition 6-1 and **outcome** in condition 6-2 will be met; and
 - (14) be prepared in consultation with **DBCA** and in accordance with any requirements of a lawful authority obtained under the *Biodiversity Conservation Act 2016*.
- 6-4 The proponent shall include a report of a peer review carried out by an independent person or independent persons with suitable technical experience to review the Draft Habitat Fragmentation Management Plan, required under condition 6-3, to report on the adequacy of that content to achieving the **objectives** and **outcome** specified in conditions 6-1 and 6-2.
- 6-5 The proponent shall submit an Environmental Performance Report as part of the Compliance Assessment Report required by condition 12-6, following the review of effectiveness every five (5) years, required by condition 6-3(12), that shall:

- (1) outline the monitoring that was undertaken during the implementation of the Habitat Fragmentation Management Plan required in condition 6-3;
 - (2) outline the results of the monitoring undertaken to report whether that the environmental **objectives** and **outcome** specified in conditions 6-1 and 6-2 was achieved;
 - (3) report whether that the **objectives** and **outcome** specified in conditions 6-1 and 6-2 was achieved; and
 - (4) outline any management actions undertaken during the implementation of the Habitat Fragmentation Management Plan required in condition 6-3 to meet the **objectives** and **outcome** specified in conditions 6-1 and 6-2.
- 6-6 The proponent shall include a report of a peer review carried out by an independent person or independent persons with suitable technical experience to review the Environmental Performance Reports, required under condition 6-5, with the report and to report on the adequacy of that content to achieving the **objectives** and **outcome** specified in conditions 6-1 and 6-2.
- 6-7 The proponent shall not commence **ground-disturbing activities** until the CEO has confirmed in writing that the Habitat Fragmentation Management Plan satisfies the requirements of condition 6-3.
- 6-8 The proponent shall implement the latest revision of the Habitat Fragmentation Management Plan approved by the CEO.
- 6-9 The proponent:
- (1) may review and submit proposed amendments to the Habitat Fragmentation Management Plan; or
 - (2) shall review and submit proposed amendments to Habitat Fragmentation Management Plan when directed by the CEO.
- 6-10 The proponent shall continue to implement the Habitat Fragmentation Management Plan as approved by the CEO in writing, until the CEO has confirmed by written notice that the proponent has demonstrated that the environmental **objectives** and **outcomes** detailed in conditions 6-1 and 6-2 of the Habitat Fragmentation Management Plan have been achieved.

7 Social Surroundings (Noise)

- 7-1 The proponent shall implement the proposal to meet the following environmental **objective**:
- (1) minimise operational noise impacts on existing noise sensitive receptors, as far as practicable.

- 7-2 At least six (6) months prior to the operation of the proposal and in order to meet the requirements of condition 7-1, the proponent shall prepare a Traffic Noise Management Plan to include:
- (1) outdoor noise **management targets**;
 - (2) indoor noise **management targets** to apply to noise sensitive receptors where the construction of noise walls is not feasible or practicable;
 - (3) the noise **management actions** to ensure the noise **management targets** are met during the operation of the proposal;
 - (4) where noise walls will be constructed, the location, height and timing of construction of the walls;
 - (5) where acoustic treatment of houses will be implemented, the standard of treatments, timing and evidence of consultation with affected stakeholders;
 - (6) road design measures to minimise noise emissions where relevant and appropriate, including low noise road surfaces and selection of appropriate bridge expansion joints;
 - (7) post-construction noise monitoring to demonstrate that noise **management actions** meet the relevant outdoor noise **management targets**; and
 - (8) contingency actions in the event relevant noise **management targets** are not met.
- 7-3 The Traffic Noise Management Plan shall be approved by notice in writing from the CEO prior to the commencement of operation.
- 7-4 The proponent:
- (1) may review and revise the Traffic Noise Management Plan; or
 - (2) shall review and revise the Traffic Noise Management Plan when directed by the CEO by notice in writing.
- 7-5 The proponent shall implement the approved Traffic Noise Management Plan, or the most recent version, which the CEO has confirmed by notice in writing satisfies the requirements of condition 7-2.
- 7-6 The proponent shall continue to implement the Traffic Noise Management Plan, or any subsequently approved revisions until the CEO has confirmed by notice in writing that the proponent has demonstrated that the **objective** in condition 7-1 is being and will continue to be met.

- 7-7 In the event of failure to implement **management actions** detailed in the approved Traffic Noise Management Plan, the proponent shall meet the requirements of condition 12-6 (Compliance Reporting) and shall immediately implement **management actions** to meet the requirements of condition 7-1.

8 Social Surroundings (Amenity Management Plan)

- 8-1 The proponent shall demonstrate that the proposal is designed and constructed in order to meet the following environmental **objective**:

(1) minimise the impacts to **social connectivity** and **visual amenity**.

- 8-2 The proponent shall demonstrate that the proposal is implemented to meet the following environmental **outcome**:

(1) ensure no project attributable direct or indirect impacts to **significant trees**.

- 8-3 The proponent shall prepare an Amenity Management Plan and submit to the CEO within twelve (12) months of the issue of the statement. The Plan shall include, but not be limited to:

(1) outcomes of consultation undertaken with the local community and relevant stakeholders regarding:

(a) the specifications and locations of amenity infrastructure such as screen-walls, noise-walls, vegetative screening, landscaping, revegetation, pedestrian overpasses/underpasses, walking trails, foot/cycle paths, and any other relevant infrastructure;

(2) a map of the amenity infrastructure to be constructed/installed;

(3) the roles and responsibilities for on-going maintenance of the amenity infrastructure; and

(4) information to demonstrate how the **objective** in condition 8-1 and **outcome** in condition 8-2 will be achieved by the Amenity Management Plan.

- 8-4 After submitting the Amenity Management Plan and receiving approval by notice in writing from the CEO the proponent shall implement the Amenity Management Plan.

- 8-5 Following construction, the proponent shall prepare and submit a report to demonstrate that the requirements of the Amenity Management Plan have been implemented and the **objective** of condition 8-1 and **outcome** of condition 8-2 has been achieved.

9 Offsets

9-1 The proponent shall implement offset measures to counterbalance the significant residual impacts to the following environmental values:

- (1) 60.9 ha of habitat for western ringtail possum;
- (2) 60.9 ha of black cockatoo foraging and breeding habitat;
- (3) 39.2 ha of habitat for south-western brush-tailed phascogale;
- (4) 23.4 ha of Banksia Woodlands of the Swan Coastal Plain PEC (Banksia Woodlands);
- (5) 4.4 ha of Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain PEC (Tuart Woodlands); and
- (6) 4.5 ha of Southern Swan Coastal Plain *Eucalyptus gomphocephala* – *Agonis flexuosa* Woodlands PEC (Tuart-Peppermint Woodlands), overlapping the Tuart Woodlands PEC.

9-2 To meet the requirement of condition 9-1 the proponent shall undertake offset measures to the extents and at the locations as set out and described in Table 1:

Table 1: Type, locations and extent of offset measures required to meet the requirement of condition 9-1

Environmental value	Offset site & locations	Minimum extent of area to receive offset measures (hectares)	Type of offset measures
Western ringtail possum habitat and south-western brush-tailed phascogale habitat	Offset 1 and 2: Lots 1, 153, 267, and 268 Ducane Road, Gelorup	164.5	<ul style="list-style-type: none"> – land acquisition – on-ground management
	Offset 3: Lot 156 Marchetti Road, Gelorup	14.2	<ul style="list-style-type: none"> – land acquisition – on-ground management
	Offset 4: Lot 104 Willinge Drive, Davenport	35	<ul style="list-style-type: none"> – land acquisition – revegetation – on-ground management
	Offset 5 (Site 2, 4 and 12): Ludlow-Tuart State Forest No.2 and Tuart Forest National Park	185	<ul style="list-style-type: none"> – revegetation – on-ground management

Environmental value	Offset site & locations	Minimum extent of area to receive offset measures (hectares)	Type of offset measures
Black cockatoo foraging and breeding habitat	Offset 1 and 2: Lots 1, 153, 267, and 268 Ducane Road, Gelorup	161.8	– land acquisition – on-ground management
	Offset 3: Lot 156 Marchetti Road, Gelorup	9.7	– land acquisition – on-ground management
	Offset 5 (Site12): Ludlow-Tuart State Forest No.2 and Tuart Forest National Park	75.3	– revegetation – on-ground management
Banksia Woodlands PEC	Offset 1 and 2: Lots 1, 153, 267, 268 Ducane Road, Gelorup	126.9	– land acquisition – on-ground management
Tuart Woodlands PEC and Tuart-Peppermint Woodlands PEC	Offset 8: Lot 27 Tredrea Road, Myalup	19	– land acquisition – revegetation – on-ground management
	Offset 5 (Site12): Ludlow-Tuart State Forest No.2 and Tuart Forest National Park	7.2	– revegetation – on-ground management

Bunbury Outer Ring Road Southern Section Offset Management Plan

9-3 Within twelve months of the commencement of **ground-disturbing activities**, the proponent shall revise the existing Bunbury Outer Ring Road (BORR) Southern Section Offset Management Plan to the requirements of the CEO, and to meet the following **objectives**:

- (1) counterbalance the significant residual impacts listed in condition 9-1;
- (2) improve connectivity of western ringtail possum habitats;
- (3) ensure a **net-gain in western ringtail possum populations** in secure conservation tenure within fifteen (15) years from the commencement of construction; and
- (4) demonstrate a strategic conservation benefit for the western ringtail possum species.

9-4 The BORR Southern Section Offset Management Plan shall:

- (1) demonstrate that the **objectives** in condition 9-3 will be met;
- (2) describe how the offset measures will be implemented consistent with condition 9-2;
- (3) be prepared in consultation with **DBCA**, the Shire of Capel and the Shire of Dardanup;
- (4) consistent with condition 9-2, spatially identify the areas (**Proposed Offset Conservation Areas**) of:
 - (a) **acquired** lands offset areas to receive **on-ground management** and/or revegetation offset measures;
 - (b) **DBCA** lands to receive **on-ground management** and revegetation offset measures.
- (5) demonstrate how the environmental values within the **Proposed Offset Conservation Areas** will be maintained and improved in order to counterbalance the significant residual impact to the environmental values in condition 9-1 through application of the principles of the WA Environmental Offsets Policy and completion of the WA Offsets Template, as described in the *WA Environmental Offsets Guidelines*, and the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy Assessment Guide*, or any subsequent revisions of these documents.
- (6) for the land acquisition offsets identified in condition 9-2:
 - (a) demonstrate that the **Proposed Offset Conservation Areas** contain the minimum extents of the environmental values identified in condition 9-2;
 - (b) identify how the **Proposed Offset Conservation Areas** will be protected, being either the sites are ceded to the Crown for the purpose of management for conservation, or the sites are managed under other suitable mechanism for the purpose of conservation as agreed by the CEO by notice in writing;
 - (c) specify the quantum of works associated with establishing the **Proposed Offset Conservation Areas**, including a contribution for maintaining the offset for at least twenty (20) years after completion of purchase or approval of the offset management plan where relevant; and
 - (d) identify the **relevant management body** for the on-going management of the **Proposed Offset Conservation Areas**,

including its role, and the role of the proponent, and confirmation in writing that the **relevant management body** accepts responsibility for its role.

- (7) For revegetation and/or **on-ground management** offsets identified in condition 9-2:
- (a) state the completion criteria for revegetation and/or **on-ground management** for each offset site, which will demonstrate attainment of the 'future quality with offset' score in Schedule 3. For revegetation offsets relating to western ringtail possum environmental values, this shall include, but not be limited to:
 - (i) western ringtail possum target densities;
 - (ii) completion criteria to measure (at a minimum) ringtail possum abundance/distribution, habitat structure and vegetation condition; and
 - (iii) adaptive management to inform successful habitat revegetation for western ringtail possum.
 - (b) demonstrate the consistency of the targets with the objectives of any relevant guidance, including but not limited to, recovery plans or area management plans;
 - (c) detail the **on-ground management** actions, with associated timeframes for implementation and completion, to achieve the targets identified in condition 9-4(7)(a); and
 - (d) detail the monitoring, reporting and evaluation mechanisms for the targets and actions identified under conditions 9-4(7)(a) and 9-4(7)(c).
- (8) for the predator control program within the Ludlow Tuart State Forest/Tuart Forest National Park (consistent with the proponent's Offset Strategy Revision 3 August 2021):
- (a) state the targets to be achieved by the predator control program which will result in a **tangible improvement** to the environmental values being offset;
 - (b) demonstrate the consistency of the targets with the objectives of any relevant guidance, including but not limited to, recovery plans or area management plans;
 - (c) detail the **on-ground management** actions, with associated timeframes for implementation and completion to achieve the targets identified in condition 9-4(8)(a), and how the

implementation of the predator control program will facilitate the achievement of the **objectives** in conditions 9-3(3) and 9-3(4); and

- (d) detail the monitoring, reporting and evaluation mechanisms for the targets and actions, including but not limited to, a review of the program's effectiveness to demonstrate that the **objective** of conditions 9-3(3) and 9-3(4) will be met.

(9) for the establishment of a Wildlife Carer's Peppermint Orchard:

- (a) identify the location of the Wildlife Carer's Peppermint Orchard and state the completion criteria for this offset measure in accordance with **DBCA** requirements; and
- (b) detail the monitoring, reporting and evaluation mechanisms to demonstrate the completion criteria identified under condition 9-4(9)(a) will be met.

9-5 The proponent:

- (1) may review and revise the BORR Southern Section Offset Management Plan; or
- (2) shall review and revise the BORR Southern Section Offset Management Plan as and when directed by the CEO by a notice in writing.

9-6 The proponent shall not commence **ground-disturbing activities** until the CEO has confirmed in writing that the BORR Southern Section Offset Management Plan satisfies the requirements of conditions 9-3 and 9-4.

9-7 The proponent shall implement the latest revision of the BORR Southern Section Offset Management Plan approved by the CEO.

9-8 The proponent shall continue to implement the BORR Southern Section Offset Management Plan until the CEO has confirmed by notice in writing that the proponent has demonstrated that the **objectives** in condition 9-3 are being met.

9-9 When a notification to the CEO occurs in accordance with condition 12-5, the proponent shall provide a report to the CEO within sixty (60) days if the actions, objectives, or targets in the BORR Southern Section Offset Management Plan are unable to be met, and provide details and timing of **contingency actions** to be undertaken, to the satisfaction of the CEO.

9-10 The proponent shall report to the CEO on the outcomes of the **contingency actions** as required by condition 9-9 within sixty (60) days of completion.

- 9-11 The proponent shall continue to implement **contingency actions** as required by condition 9-9 until the CEO has confirmed by notice in writing that the proponent has demonstrated that the **objectives** in condition 9-3 are being met.

Contingency offsets

- 9-12 If, after receiving the Environmental Performance Report required by condition 6-5 the CEO determines that the proposal has not met the environmental **outcome** in condition 6-2 and has resulted in an additional significant residual impact to western ringtail possum, and after notifying the proponent in writing, the proponent must undertake an additional offset to counterbalance the significant residual impact from the additional impact to western ringtail possum in habitats adjoining the development envelope.
- 9-13 Within twelve (12) months of receiving notice in writing from the CEO that an additional offset is required under condition 9-12, the proponent shall update the BORR Southern Section Offset Management Plan required by condition 9-3 to include additional offsets to counterbalance the significant residual impacts to western ringtail possums.
- 9-14 The proponent shall implement the latest version of the BORR Southern Section Offset Management Plan, which the CEO has confirmed in writing satisfies the requirements of condition 9-4.

10 Contact Details

- 10-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

11 Time Limit for Proposal Implementation

- 11-1 The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.
- 11-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.

12 Compliance Reporting

- 12-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 12-6, or prior to implementation of the proposal, whichever is sooner.

12-2 The Compliance Assessment Plan shall indicate:

- (1) the frequency of compliance reporting;
- (2) the approach and timing of compliance assessments;
- (3) the retention of compliance assessments;
- (4) the method of reporting of potential non-compliances and corrective actions taken;
- (5) the table of contents of Compliance Assessment Reports; and
- (6) public availability of Compliance Assessment Reports.

12-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 12-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 12-1.

12-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 12-1 and shall make those reports available when requested by the CEO.

12-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.

12-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 12-1.

13 Public Availability of Data

13-1 Subject to condition 13-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal, the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

13-2 If any data referred to in condition 13-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

[signed on 31 May 2022]

Hon Reece Whitby MLA

MINISTER FOR ENVIRONMENT; CLIMATE ACTION

Key decision-making authorities consulted under section 45(2):
Minister for Aboriginal Affairs Minister for Lands Minister for Planning Minister for Transport Minister for Water

Table 2: Abbreviations and Definitions

Acronym or Abbreviation	Definition or Term
acquired	The protection of environmental values on an area of initially unprotected land for the purpose of conservation through improved security of tenure or restricting the use of land (e.g. ceding land to the Crown or perpetual conservation covenants). This includes upfront costs of establishing the offset site and the on-going management of costs of maintaining the offset for the long term (20 years).
black cockatoos	Carnaby's black cockatoo (<i>Calyptorhynchus latirostris</i>), forest red-tailed black cockatoo (<i>Calyptorhynchus banksii naso</i>) and Baudin's black cockatoo (<i>Calyptorhynchus baudinii</i>)
Category 1 Clearing Areas	The area identified in <i>red</i> in Figure 3 of this Statement.
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or delegate.
clearing exclusion areas	The area identified in <i>red</i> in Figure 1 of this Statement.
Conservation Category Wetland	As identified in the Geomorphic Wetlands of the Swan Coastal Plain (DBCA-019) dataset as updated from time-to-time.
contingency actions	Actions to be implemented when monitoring determines that a management target may not be met, and where the actions will bring the impact within the management target.
DBCA	Department of Biodiversity, Conservation and Attractions
demographic	relating to the structure of populations; the particular characteristics of a population over a specific time interval, including age structure, fecundity, mortality rates and sex ratios.
development envelope	The area within the <i>yellow</i> line marked in Figure 1 of this Statement.
disturb / disturbance	is to be defined as per the definition of 'disturb' in section 5 [subsection disturb — (a)(i)(ii)(iii) and (iv)] of the <i>Biodiversity Conservation Act 2016</i>
environmental weeds	Any plant declared under section 22(2) of the <i>Biosecurity and Agriculture Management Act 2007</i> , any plant listed on the Weeds of National Significance List and any weeds listed on the Department of Biodiversity, Conservation and Attractions South West Region Impact and Invasiveness Ratings list, as amended or replaced from time to time.
EP Act	<i>Environmental Protection Act 1986</i>
fauna crossings	Infrastructure to reduce fauna vehicle strike and facilitate fauna movement including, but not be limited to, fauna underpasses (containing arboreal rails, ropes and ledges, and furniture for ground-dwelling fauna), dual-use culverts (ie: for fauna and drainage), possum rope-bridges, and strategic fencing.

Acronym or Abbreviation	Definition or Term
fauna land-bridge	An engineered vegetated infrastructure overpass with a minimum soil depth of one (1) metre that provides a habitat linkage between areas containing terrestrial fauna environmental values. Planting species and fauna furniture should be selected to maximise use by western ringtail possums, but also provide suitable habitat to provide protection for ground dwelling terrestrial fauna. A minimum of two (2) fauna land-bridges to be installed along in Gelorup.
fauna spotter	A person who has a relevant lawful authority under the <i>Biodiversity Conservation Act 2016</i> .
Ground-disturbing activity	Activities that are associated with the substantial implementation of the proposal including but not limited to, earthmoving, vegetation clearing, grading, construction of new or widening of existing roads and tracks. Ground-disturbing activities does not include Geotechnical investigations (including potholing for services and the installation of piezometers) and other preconstruction activities where no clearing of vegetation is required.
ha	Hectare
indirect impacts	Any potential impacts outside the development envelope as a result of the clearing and disturbance authorised in this Statement. This includes but is not limited to: hydrological change, spread or introduction of environmental weeds , altered fire regimes, introduction or spread of disease, changes in erosion/deposition/accretion and edge effects.
km	kilometres
low-risk clearing timeframe for western ringtail possum	a defined time period that avoids western ringtail possum population peaks and times when pouched young are present; and has been determined in consultation with DBCA in accordance with condition 5-2(2)
management actions	management actions are the identified actions implemented to meet the environmental objective.
management targets	management targets are a type of indicator that is defined to demonstrate that the objective is being met.
Multiple Use Wetland	As identified in the Geomorphic Wetlands of the Swan Coastal Plain (DBCA-019) dataset as updated from time-to-time.
net-gain in western ringtail possum populations	The extent of the environmental benefit associated with the offset must exceed the extent of the significant residual impact, allowing for natural background variation, seasonal changes or other factors outside the control of the proponent and as agreed to by the CEO in writing.
on-ground management	This includes revegetation (re-establishment of native vegetation in degraded areas) and rehabilitation (repair of ecosystem processes and management of weeds, disease or feral animals) with the objective to achieve a tangible improvement to the environmental values in the offset area.
objective	An objective is the proposal-specific desired state for an environmental factor/s to be achieved from the implementation of management actions.

Acronym or Abbreviation	Definition or Term
outcome	A proposal-specific result to be achieved when implementing the proposal.
passive relocation management actions	<p>Management actions to avoid, minimise and manage potential impacts to conservation significant terrestrial fauna during clearing; including but not limited to:</p> <ul style="list-style-type: none"> • staged and directional clearing progressing toward suitable habitat outside the development envelope • passive relocation (<i>i.e.</i> avoidance of physical capture and relocation where possible) of western ringtail possum, brush-tailed phascogale and other fauna • installation of artificial dreys, artificial watering points and protective natural structures (such as felled trees) in suitable habitat outside the development envelope at least six (6) weeks prior to clearing • installation of arboreal ropes to provide connections from habitat inside the development envelope to habitat outside the development envelope at least six (6) weeks prior to clearing, to minimise the need for western ringtail possum and brush-tailed phascogale to relocate on-ground.
pre-clearance protocols	<p>Pre-clearance protocols should include, but not be limited to, fauna searches of hollows, dreys, ground debris, dense ground-level vegetation, fallen timber and logs undertaken by a qualified fauna spotter immediately prior to and during clearing operations. Vacant dreys, suitable for western ringtail possum should be removed and hollows blocked prior to clearing.</p>
priority fauna	means fauna that belongs to a priority species listed in accordance with the <i>Biodiversity Conservation Act 2016</i> .
Proposed Offset Conservation Area	The area of land identified in condition 9-4(4).
potential nesting trees	Any existing tree of a species known to support black cockatoo breeding which has a diameter at breast height of 500 millimetres or greater and therefore may develop a nest hollow.
relevant management body	A party or parties that has a role in the establishment and/or on-going management of the Proposed Offset Conservation Area. Note: This includes the role of the proponent.
Resource Enhancement Wetland	As identified in the Geomorphic Wetlands of the Swan Coastal Plain (DBCA-019) dataset as updated from time-to-time.
tangible improvement	a perceptible, measurable and definable improvement that provides additional ecological benefit and/or value.
threatened fauna	means fauna that belongs to a threatened species listed in accordance with the <i>Biodiversity Conservation Act 2016</i> .
trees with suitable hollows	Any existing tree of a species known to support black cockatoo breeding which contains a suitable hollow(s) with entrance, width and depth suitable for black cockatoo nesting.

Acronym or Abbreviation	Definition or Term
receival sites	Habitat outside the development envelope that contains home-ranges of residential western ringtail possums intersecting or adjoining the Category 1 Clearing Areas defined in Figure 3 where western ringtail possums from inside the development envelope are moved into, and are: <ul style="list-style-type: none"> • owned by State or Local Government; • owned by the Proponent (such as the clearing exclusion areas vegetation retention areas or nominated offset sites); and • residential private lands (<i>evidence of multiple denied access requests would be required if private lands are not included in the monitoring program</i>).
self-sustaining	Refers to vegetation that can survive (continue indefinitely) without on-going management actions such as watering, weed control or infill planting. If the proponent cannot demonstrate that the vegetation is self-sustaining, on-going management actions should be implemented to ensure its ongoing survival.
social connectivity	Social connectivity is defined as an amenity value as defined in the EPA's Factor Guidance for Social Surroundings <i>i.e.</i> : " <i>the ability for people to live and recreate within their surroundings without any unreasonable interference with their health, welfare, convenience and comfort</i> ".
significant trees	<ol style="list-style-type: none"> 1. a <i>Eucalyptus gomphocephala</i> tree – listed by the WA Heritage Council as 'Grey Giant' (Heritage Place No. 26059) 2. a culturally modified tree <p>GPS co-ordinates of these trees are held by the Department of Water and Environmental Regulation (Record no. DWERDT505171)</p>
vegetation retention areas	The area of land identified in <i>green</i> in Figure 4 of this Statement.
visual amenity	<p>'Visual amenity' may include natural landscapes and views and should be defined in relation to the visual aspects of the EPA's below definition of amenity:</p> <p>'Amenity' is defined in accordance with the EPA's Factor Guidance for Social Surroundings as "<i>a broad term that generally means the qualities, attributes and characteristics of a place that make a positive contribution to quality of life</i>".</p>

Figures (attached)

Figure 1 Bunbury Outer Ring Road Southern Section Development Envelope and clearing exclusion areas

Figure 2a Priority Ecological Communities Banksia Woodlands, Tuart Woodlands and Tuart-Peppermint Woodlands (north)

Figure 2b Priority Ecological Communities Banksia Woodlands, Tuart Woodlands and Tuart-Peppermint Woodlands (south)

Figure 3 Category 1 Clearing Areas

Figure 4 Clearing exclusion areas and vegetation retention areas

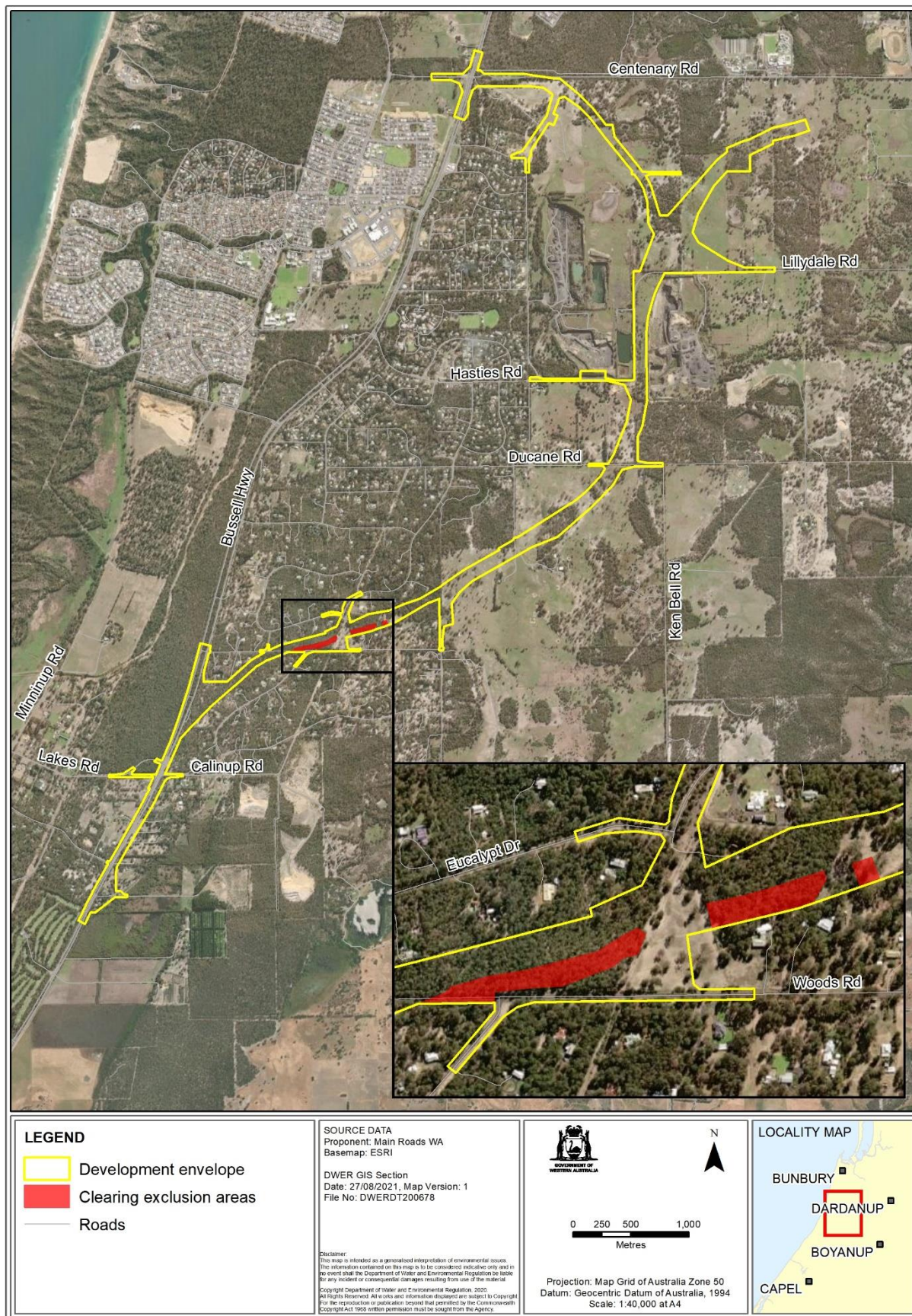


Figure 1 Bunbury Outer Ring Road Southern Section Development Envelope and clearing exclusion areas

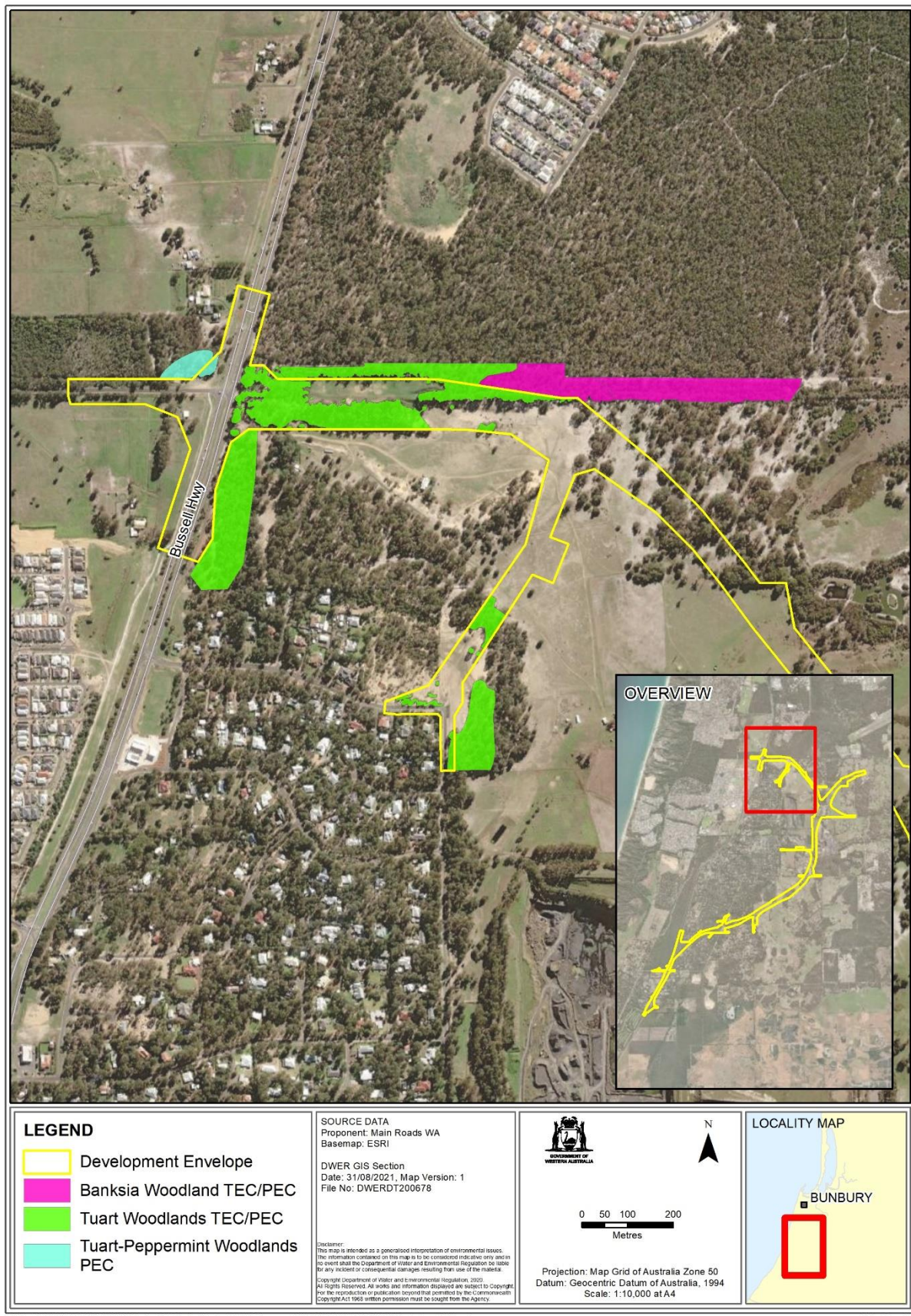


Figure 2a Priority Ecological Communities Banksia Woodlands, Tuart Woodlands and Tuart-Peppermint Woodlands (north)

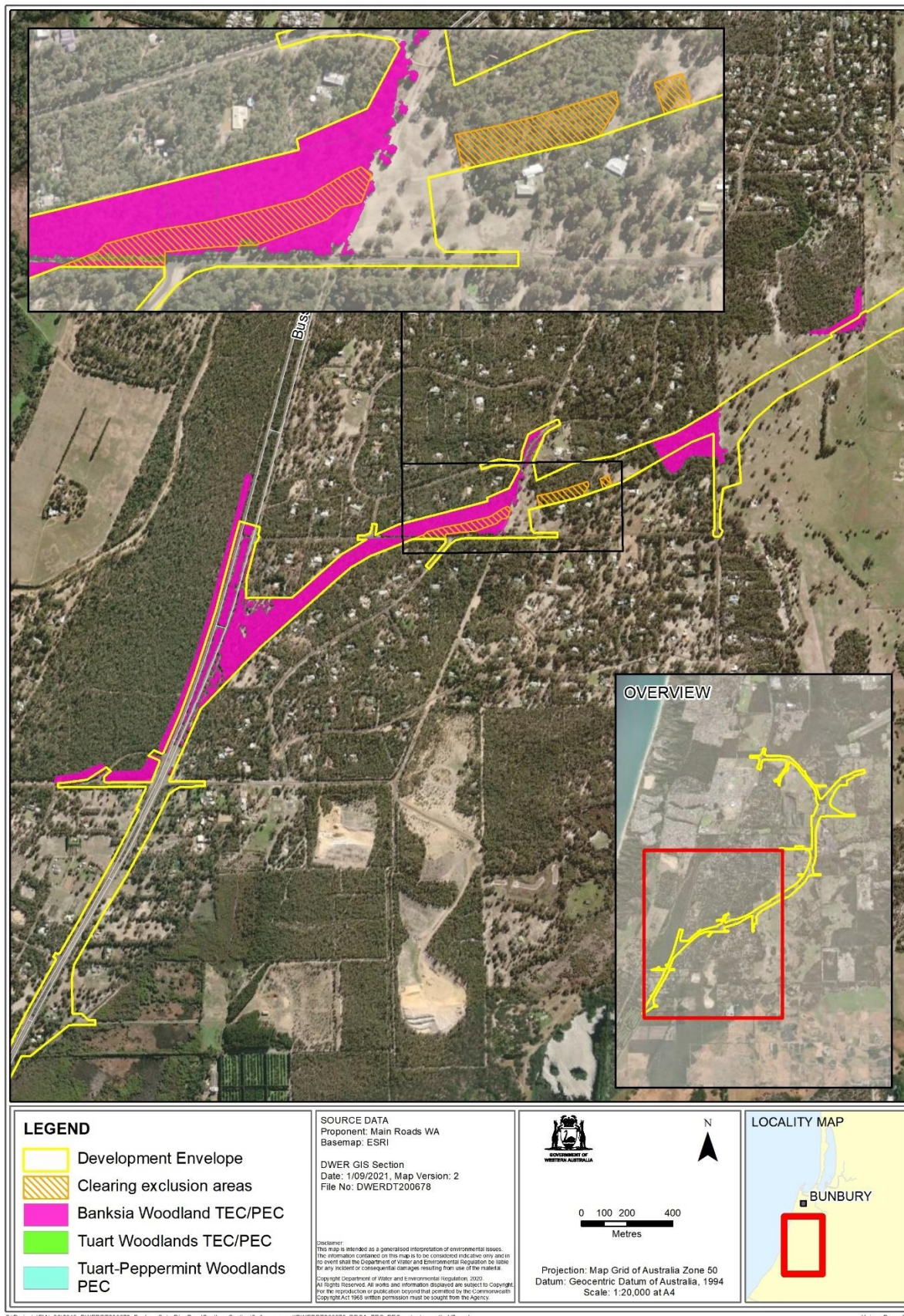


Figure 2b Priority Ecological Communities Banksia Woodlands, Tuart Woodlands and Tuart-Peppermint Woodlands (south)

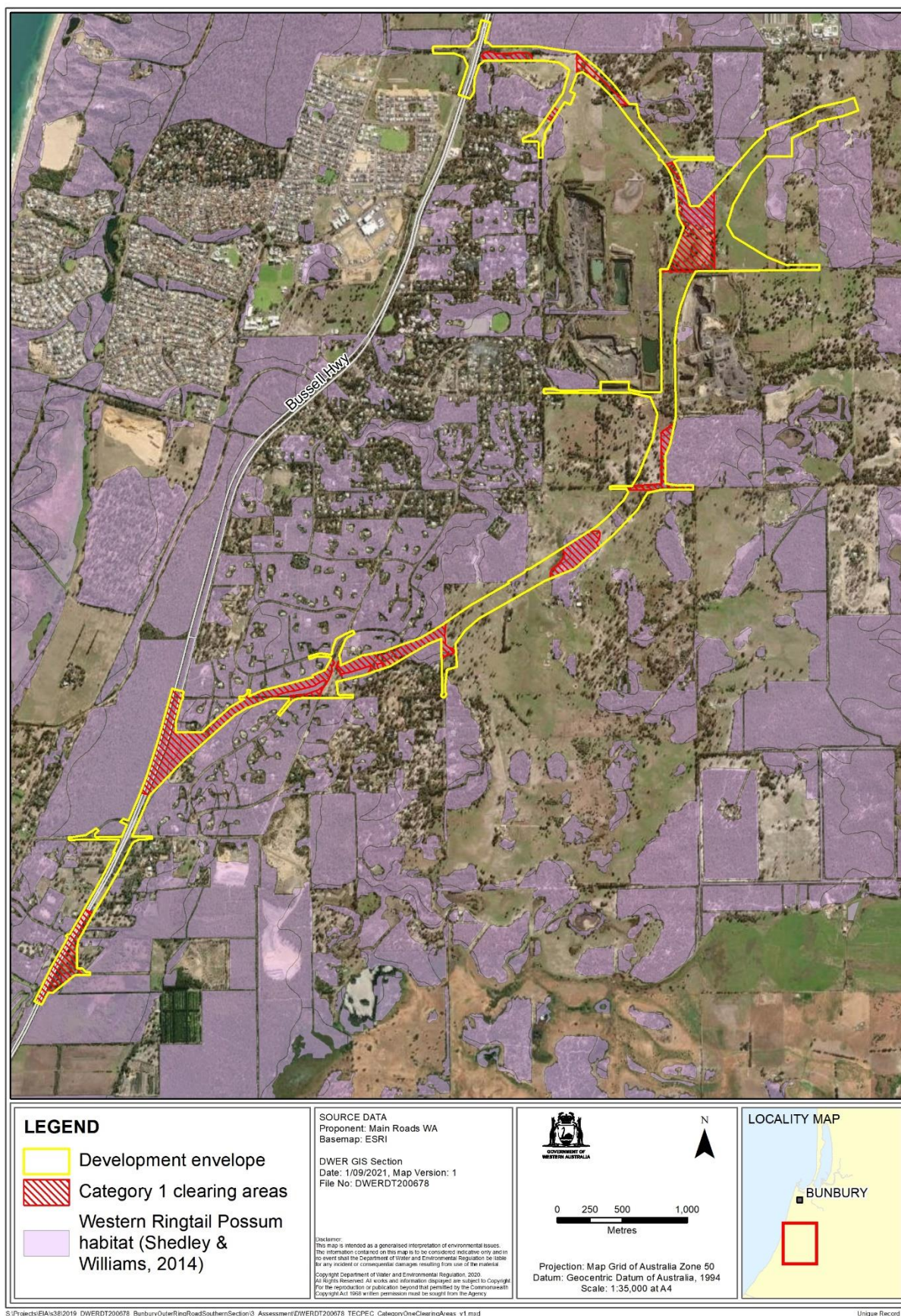


Figure 3 Category 1 Clearing Areas



Figure 4 Clearing exclusion areas and vegetation retention areas

Schedule 2

All co-ordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone 50) datum of Geocentric Datum of Australia 1994 (GDA94).

Spatial data depicting the figures are held by the Department of Water and Environmental Regulation. Record no. DWERDT511980

Table 3: 'Future Quality with Offset' scores for offset calculations

Site & Location	Environmental Value	Future Quality with Offset
Offset 1: Lots 153, 267, 268 Ducane Road, Gelorup	Western ringtail possum	7
	Black cockatoos	8
	Banksia Woodlands TEC	8
Offset 2: Lot 1 Ducane Road, Gelorup	Western ringtail possum	7
	Black cockatoos	8
	Banksia Woodlands TEC	7
Offset 3: Lot 156 Marchetti Road, Gelorup	Western ringtail possum	8
	Black cockatoos	8
Offset 4: Lot 104 Willinge Drive, Davenport	Western ringtail possum	6
Offset 5: Sites 2 and 4: Tuart Forest National Park / Ludlow State Forest No.2	Western ringtail possum	6
Offset 5: Site 12: Tuart Forest National Park / Ludlow State Forest No.2	Western ringtail possum	6
	Black cockatoos	6
	Tuart Woodlands TEC	7
Offset 8: Lot 27 Tredrea Road, Myalup	Tuart Woodlands TEC	7

ATTACHMENT 1 TO STATEMENT 1191

NOTICE OF CHANGES TO IMPLEMENTATION CONDITIONS

(section 45C(5) of the *Environmental Protection Act 1986*)

BUNBURY OUTER RING ROAD SOUTHERN SECTION

Pursuant to section 45C(5)(b)(i) of the *Environmental Protection Act 1986*, the implementation conditions applying to the above proposal are changed in accordance with this Notice. I consider these changes to be of a minor nature and desirable in order to correct an unintentional error in the implementation conditions.



[Signed 22 June 2022]

PROFESSOR MATTHEW TONTS

CHAIR

ENVIRONMENTAL PROTECTION AUTHORITY

For the Minister for Environment under Notice of Delegation under section 18 of the *Environmental Protection Act 1986*

1. Condition 9-6 is deleted, and replaced with:

- 9-6 The CEO shall confirm in writing that the BORR Southern Section Offset Management Plan satisfies the requirements of conditions 9-3 and 9-4.